THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9497 of 2006

Dated:06.06.2006

Between:

N.Laxminarsimha Charyulu.

…Petitioner

and

The Commissioner of Endowments, and others.

…Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.9497 of 2006

ORDER:

The petitioner assails the proceedings of the first respondent in R.Dis.No.A1/36512/04, dated 13.09.2004. By the said proceedings the first respondent having considered the report of the Executive Officer, Sri Patha Laxmi Narsimha Swamy Devasthanam, Peddireddigudem, Yadagirigutta, passed orders amalgamating the said temple with Sri Laxmi Narasimha Swamy Devasthanam,

Yadagirigutta, Nalgonda District. The said order was passed in exercise of the powers conferred by Section 145 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short 'the Act').

The petitioner claims to be Mukhya Archaka of Yadagirigutta Temple-the second respondent herein. It is his case that by proceedings dated 24.03.2006 he was transferred to the third respondent temple, namely, Sri Patha Laxmi Narsimha Swamy Devasthanam. He filed a writ petition, being W.P.No.6384 of 2006 questioning the same. He alleges that in the counter affidavit filed in the said writ petition, the second respondent brought to the notice of the Court that by impugned proceedings the Patha Laxmi Narsimha Swamy Temple has been amalgamated with the main Temple. He alleges that the Trust Board of the third respondent Temple initially passed resolution to merge the third respondent-Temple with the second respondent Temple as the former was not able to maintain itself. Accordingly, the order was passed amalgamating the third respondent Temple with the second respondent Temple, which was questioned by the employees in W.P.No.5458 of 1989. The same was dismissed on 03.08.1999 when the merger of the Temples was opposed by the public and the employees. The Executive Officer submitted a report to the effect that the third respondent Temple need not be amalgamated with the second respondent Temple as the same was classified as the Temple under Section 6(a) of the Act. Accordingly, the Founders Trust also passed resolution on 09.04.1994 and both the temples were separately notified. The third respondent was given a separate budget, and separate Executive Officer was also posted for the Temple. In spite of the same, the impugned order was passed illegally.

The petitioner does not dispute the power of the first respondent to adopt or amalgamate the Institutions, which are not capable of maintaining out of their own funds. Admittedly, when the third respondent was not able to maintain itself, it was amalgamated with the second respondent in 1989. The said order was also confirmed by this Court. However, again in 1999 separate establishment was sanctioned. In the mean while, considering the representation of the employees of the third respondent Temple, the Executive Officer sent a report. Considering the same, the first respondent passed orders amalgamating the third respondent with the second respondent. Even according to the petitioner there was another proceedings on 25.03.1997 merging the third respondent Temple with the second respondent Temple, which is questioned in W.P.No.19517 of 1998. It is not clear whether this Court has passed any orders staying the merger. Therefore, even if for some administrative reasons a separate Executive Officer is posted and separate budget is sanctioned for the third respondent Temple, the same does not preclude the first respondent from exercising the power under Section 145 of the Act. Further, the impugned order was passed on 13.09.2004 about one year eight months ago, and the impugned order does not warrant any interference.

The Writ Petition is therefore, dismissed. No costs.

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(V.V.S.RAO, J)

06.06.2006

vs